REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 7 and 9 have been amended and claims 32-34 have been added. Support for the claim amendments and the new claims may be found at least at paragraphs [0025], [0027] and [0034] of the above-identified application and therefore no new matter has been added.

Claims 1-34 are pending, and claims 1-13 and 32-24 are under consideration. Claims 1, 7, 9 and 32 are independent claims. Reconsideration of the claims in view of the current amendments and the following remarks is respectfully requested.

REJECTIONS UNDER 35 USC 102 & 103:

Claims 1 and 3-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Application No. 2006/0203298 by Kuwata et al. ("Kuwata") in view of U.S. Patent No. 5,982,379 to Suzuki et al. ("Suzuki"). Claims 2 and 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuwata in view of Suzuki and further in view of US Patent Application 2006/0203298 to Loushin et al. ("Loushin"). The rejections are respectfully traversed for at least the following reasons.

Amended independent claim 1 recites at least the following:

> "receiving the variable values as input from a user via a graphical user interface, the gamma coefficient being input to a gamma coefficient input portion of the graphical user interface;"

Kuwata, Suzuki and Loushin, taken separately or in combination, fail to suggest or disclose all of the above-recited features.

The Office Action notes at page 3, item 1, that Kuwata "does not directly teach that the first and second internal point and the gamma coefficient are input from a user via a graphical user interface." However, the Office Action proposes to modify Kuwata with Suzuki, and asserts that Suzuki "further teaches the well known in the prior art of a correction curve generated by a function whose input and output values had predetermined ranges (entered by a user ranging between 0 and 1) and the selected gamma constant" (col. 1, lines 36-52).

Applicant respectfully disagrees that the cited portion of Suzuki teaches all of the above-recited features.

The cited portion of <u>Suzuki</u> states in part:

> In order to correct the device dependent image information, a correction curve was used in prior art. A typical correction curve was generated by a function whose input and output values had predetermined ranges. The functions included gamma functions such as y=x γ where γ is a selected constant, and both x and y range between 0 and 1. The range between 0 and 1 for the inputs or the outputs was correlated to 64 (6 bits) or 256 (8 bits) color intensity levels. For a given input value x, which might be a RGB value or a CMYK value, a particular corrected output value y was obtained based upon a predetermined function. However, this type of gamma correction functions was rather limited by a single constant parameter which generated a rather uniform curvature. Other prior art gamma functions involved polynomial equations as disclosed by Japanese Patent No 63-2462 and Japanese Patent No 6-105154.

Thus, it appears that the Office Action relies on "γ is a selected constant" to describe "the gamma coefficient" as recited in claim 1. Applicant respectfully requests the Examiner to clarify this point in any subsequent Office Action. However, even assuming for the sake of argument that γ does describe "the gamma coefficient" as apparently set forth in the current Office Action, Applicant asserts that the cited portion of <u>Suzuki</u> is silent regarding "a graphical user interface." Moreover, <u>Suzuki</u> fails to describe "the gamma coefficient being input to a gamma coefficient input portion of the graphical user interface," as recited in claim 1.

<u>Loushin</u> is directed to a system for correction and reconstruction of scanned color images. <u>Loushin</u> describes scaling a range of photographic film transmittance using a gamma correction curve (col. 5, lines 10-16). However, <u>Loushin</u> fails to mention a "graphical user interface," let alone all of the above-recited features. Consequently, <u>Loushin</u> fails to compensate for the deficiencies of <u>Kuwata</u> and <u>Suzuki</u>.

Accordingly, Applicant respectfully submits that claim 1 patentably distinguishes over <u>Kuwata</u>, <u>Suzuki</u> and <u>Loushin</u>, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 7 and 9, with potentially differing scope and breadth, are not suggested or disclosed by <u>Kuwata</u>, <u>Suzuki</u> and <u>Loushin</u>, the rejection should be withdrawn and claims 7 and 9 also allowed.

Further, claims 2-6, 8 and 10-13, variously depend from independent claims 1, 7 and 9, and should be allowable for at least the same reasons as claims 1, 7 and 9, as well as for the additional features recited therein.

The Office Action Fails to Answer All Material Traversed With Respect to Claim 3

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it to allow the applicant a chance to review the Examiner's position as to these arguments and to clarify the record for appeal. MPEP 707.07(f). Applicant presented the arguments below in an Amendment filed December 20, 2007. However, the current Office Action fails to answer the substance of these arguments.

Dependent claim 3 recites at least the following:

> : positioning the first internal point lower and to a left of the second internal point; and

> programming the first and second internal points where the first internal point moves along the color gamma curve from left to right and from bottom to top and the second internal point moves along the color gamma curve from right to left and from top to bottom.;

Kuwata, taken either separately or in combination, fails to suggest or disclose at least all of the above-recited features.

The Office Action asserts at page 3 that Kuwata illustrates and describes all of the above-recited features at FIGS. 20 and 27 and claims 3 and 8. However, FIG. 20 merely illustrates that "in .gamma-curve correction, entire brightness is increased when ".gamma.<1", and it is decreased when ".gamma.>1"" (par. [0159]). FIG. 27 illustrates that a tone curve may be formed according to varying degrees of color adjustment including ΔR, ΔG and ΔG [sic] (par. [0245]). Claims 3 and 8 describe "hold[ing] the correspondence relationship information in a tone curve form" and "a relationship which changes a color vividness based on the image data," respectively. Consequently, Kuwata fails to specifically suggest or disclose all of the above-recited features.

Neither Suzuki nor Loushin compensates for the asserted deficiencies of Kuwata.

Accordingly, Applicant respectfully submits that dependent claim 3 patentably distinguishes over Kuwata and Loushin, and should be allowable for at least the above-mentioned reasons. Since similar features recited by dependent claim 8, with potentially differing scope and breadth, are not suggested or disclosed by Kuwata and Loushin, the rejection should be withdrawn and claim 8 also allowed.

NEW CLAIMS:

New independent claim 32 and new dependent claims 33 and 34, each having additional patentable features, have been added. Consideration of the new claims is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
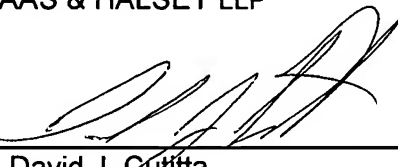
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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